

## Bureau of Land Management, Interior

## § 2806.30

conversion of your grant to a perpetual right-of-way grant, you must make a one-time rental payment in accordance with § 2806.25(a).

(c) In paragraphs (a) and (b) of this section, the annual rent is determined from the Per Acre Rent Schedule (see § 2806.20(c)) as updated under § 2806.22. However, the per acre zone value and zone number used in this annual rental determination will be based on the per acre land value from acceptable market information or the appraisal report, if any, for the land transfer action and not the county average per acre land and building value from the NASS Census. You may also submit an appraisal report on your own initiative in accordance with paragraph (d) of this section.

(d) When no acceptable market information is available and no appraisal report has been completed for the land transfer action or when the BLM requests it, you must:

(1) Prepare an appraisal report using Federal appraisal standards, at your expense, that explains how you estimated the land value per acre, the rate of return, and the encumbrance factor; and

(2) Submit the appraisal report for consideration by the BLM State Director with jurisdiction over the lands encumbered by your authorization.

[73 FR 65072, Oct. 31, 2008]

### **§ 2806.26 How may I make rental payments when land encumbered by my perpetual easement issued under § 2807.15(b) is being transferred out of Federal ownership?**

(a) The BLM will use the appraisal report for the land transfer action (i.e., direct or indirect land sales, land exchanges, and other land disposal actions) and other acceptable market information to determine the one-time rental payment for a perpetual easement issued under § 2807.15(b).

(b) When no acceptable market information is available and no appraisal report has been completed for the land transfer action or when the BLM re-

quests it, you must prepare an appraisal report as required under § 2806.25(d). You may also submit an appraisal report on your own initiative in accordance with § 2806.25(d).

[73 FR 65072, Oct. 31, 2008]

### **COMMUNICATION SITE RIGHTS-OF-WAY**

### **§ 2806.30 What are the rents for communication site rights-of-way?**

(a) *Rent schedule.* (1) BLM uses the rent schedule for communication uses found in paragraph (b) of this section to calculate the rent for communication site rights-of-way. The schedule is based on nine population strata (the population served), as depicted in the most recent version of the Rationally Metro Area Population Ranking, and the type of communication use or uses for which BLM normally grants communication site rights-of-way. These uses are listed as part of the definition of "communication use rent schedule," set out at § 2801.5(b) of this part. You may obtain a copy of the current schedule from any BLM state or field office or by writing: Director, BLM, 1849 C St., NW., Mail Stop 1000 LS, Washington, DC 20240. BLM also posts the current communication use rent schedule on the BLM Home Page on the Internet at <http://www.blm.gov>.

(2) BLM will revise paragraph (b) of this section annually to update the schedule based on two sources: the U.S. Department of Labor Consumer Price Index for All Urban Consumers, U.S. City Average (CPI-U), as of July of each year (difference in CPI-U from July of one year to July of the following year), and the RMA population rankings.

(3) BLM will limit the annual adjustment based on the Consumer Price Index to no more than 5 percent. At least every 10 years BLM will review the rent schedule to ensure that the schedule reflects fair market value.

(b) The annual rent schedule for communication uses for calendar year 2005 is as follows:

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**43 CFR Ch. II (10–1–13 Edition)**

**COMMUNICATION USE RENT SCHEDULE ANNUAL FEES**  
[Calendar year 2005]

Population	Television broadcast	Am/FM radio broadcast <sup>1</sup>	Cable television	Broadcast translator/LPTV/LPFM	CMRS/facility manager	Cellular telephone	Private mobile radio service	Microwave	Other communication uses
5,000,000 plus	\$55,861.13	\$42,206.21	(2)	(2)	\$14,896.30	\$14,896.30	\$12,413.59	\$12,413.59	\$93.10
2,500,000 to 4,999,999 ..	37,240.76	26,068.54	(2)	(2)	12,413.59	12,413.59	7,448.15	9,930.88	93.10
1,000,000 to 2,499,999 ..	22,344.46	17,379.01	(2)	(2)	9,930.88	9,930.88	7,448.15	8,689.51	93.10
500,000 to 999,999 .....	17,379.01	12,413.59	(2)	(2)	6,206.79	7,448.15	4,965.43	6,827.47	93.10
300,000 to 499,999 .....	14,896.30	9,930.88	(2)	(2)	4,965.43	6,206.79	3,103.39	3,103.39	93.10
100,000 to 299,999 .....	7,448.15	4,965.43	2,979.25	2,979.25	3,724.08	4,965.43	2,482.72	2,482.72	93.10
50,000 to 99,999 .....	3,724.08	2,482.72	1,489.63	1,489.63	1,489.63	3,724.08	1,241.36	1,862.03	93.10
25,000 to 49,999 .....	1,862.03	1,489.63	1,241.36	620.68	1,241.36	3,103.39	744.81	1,862.03	93.10
Less Than 25,000 .....	1,489.63	1,117.22	744.81	124.14	744.81	3,103.39	434.47	1,862.03	93.10

<sup>1</sup> Rent for AM Radio is 70% of the FM Scheduled Rent.

<sup>2</sup> Fee to be determined by appraisal or other methods.

(c) *Uses not covered by the schedule.* The communication use rent schedule does not apply to:

(1) Communication site uses, facilities, and devices located entirely within the exterior boundaries of an oil and gas lease, and directly supporting the operations of the oil and gas lease (see parts 3160 through 3190 of this chapter);

(2) Communication facilities and uses ancillary to and authorized under a linear grant, such as a railroad grant or an oil and gas pipeline grant;

(3) Communication uses not listed on the schedule, such as telephone lines, fiber optic cables, and new technologies;

(4) Grants for which BLM determines the rent by competitive bidding; or

(5) Communication facilities and uses for which the BLM State Director concurs that:

(i) The expected annual rent, as BLM estimates from market data, exceeds the rent from the rent schedule by five times; or

(ii) The communication site serves a population of one million or more and the expected annual rent for the communication use or uses is more than \$10,000 above the rent from the rent schedule.

**§ 2806.31 How will BLM calculate rent for a right-of-way for communication uses in the schedule?**

(a) *Basic rule.* BLM calculates rents for:

(1) Single-use facilities by applying the rent from the communication use rent schedule (see § 2806.30 of this subpart) for the type of use and the population strata served; and

(2) Multiple-use facilities, whose authorizations provide for subleasing, by setting the rent of the highest value use in the facility or facilities as the base rent (taken from the rent schedule) and adding to it 25 percent of the rent from the rent schedule for all tenant uses in the facility or facilities, if a tenant use is not used as the base rent (rent = base rent + 25 percent of all rent due to additional tenant uses in the facility or facilities) (see also §§ 2806.32 and 2806.34 of this subpart).

(b) *Exclusions.* When calculating rent, BLM will exclude customer uses, except as provided for at §§ 2806.34(b)(4) and 2806.42 of this subpart. BLM will also exclude those uses exempted from rent by § 2806.14 of this subpart, and any uses whose rent has been waived or reduced to zero as described in § 2806.15 of this subpart.

(c) *Annual statement.* By October 15 of each year, you, as a grant or lease